

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT VALLADARES,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

2:12-cv-01757-GMN-VCF

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the petition. A petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*. It does not appear from file review that a dismissal without prejudice will materially affect a later analysis of timeliness or other issues with regard to any promptly filed new action. The present improperly-commenced action will be dismissed without prejudice.

IT THEREFORE IS ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a new petition in a new action, accompanied by either the required \$5.00 fee or a properly completed application to proceed *in forma pauperis*.

IT FURTHER IS ORDERED that the Clerk of the Court shall send petitioner two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, one copy of instructions for the same, and one copy of the petition at ECF No. 1.

IT IS FURTHER ORDERED that petitioner may file a new petition in a new action, but he may not file further documents in this action.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

Dated this 26th day of November, 2012.



Gloria M. Navarro
United States District Judge